IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.9844 OF 2004

1. Bharat Petroleum Corp Ltd and anr Petitioners

Vs

1. M/s Farrooq Agencies and Anr. .. Respondents

Mr S.G.Page with Mr S.R.Page, for the petitioners.

Mr R.B.Jagtap, for respondent no.2.

CORAM : D.B.BHOSALE,J.

DATE : 16th December, 2004.

PC:

1. Heard the learned counsel for the parties.

2. This petition is directed against the order dated 3.11.2004 passed by the trial Court allowing the application-Exhibit-70 filed by the respondents-plaintiffs seeking amendment of the plaint. From perusal of the order impugned in the present writ petition, copy of the plaint and the amendment application, it is clear that in view of the subsequent events, that occurred during pendency of the suit, the plaintiffs sought to amend the plaint. While allowing the amendment, the trial Court has so observed in paragraphs 7 and 8 of the order. Keeping that in view and considering the settled position of law in respect of an amendment of the pleadings, in my opinion, this is

not a fit case to exercise writ jurisdiction under Article 227 of the Constitution of India to interfere with the impugned order. The writ petition, therefore, fails and is dismissed as such. It is open for the petitioners to file additional written statement, if any, within a period of twelve weeks from today.

. An authenticated copy of this order may be made available to the parties.

(D.B.BHOSALE, J.)